

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

|                |   |                            |
|----------------|---|----------------------------|
| THOMAS HARVEY, | ) |                            |
|                | ) |                            |
| Plaintiff,     | ) | CIVIL ACTION               |
|                | ) | FILE NO. 1:20-cv-04803-CAP |
| v.             | ) |                            |
|                | ) |                            |
| THE KROGER CO. | ) |                            |
|                | ) |                            |
| Defendant.     | ) |                            |

**Defendant's Voir Dire Questions**

1. Who has filed a claim or lawsuit for money for a physical injury you believed to be someone else's fault, or has a family member or close friend who has?
  - a. Who was involved?
  - b. What was your role, if any?
  - c. Were you or the family member satisfied with the outcome of the case?
2. Who had a legal claim but decided not to pursue it, even though you could have?  
Family member or close friend? What generally did your matter involve?
3. In general, who agrees that people who are wrongfully injured are usually not compensated fairly?
4. Outside of a lawsuit or jury service, who has had any other experiences with the court system?

- a. What were the circumstances?
5. Who has any legal education, training, or experience?
  - a. If yes, please describe your legal education, training or experience.
6. Who has worked in a retail setting? Have you had responsibility for safety or dealing with hazards on the floor? Have you been involved in any similar experiences?
7. Who has had a bad experience involving a grocery or retail store? Not a minor inconvenience or annoyance, but a really bad experience in the store, maybe a confrontation with a store worker, maybe an injury? Family members or close friends?
8. Who feels that grocery or retail stores today don't do enough to keep their stores clean and safe, or that they put profits over safety?
9. Who feels that grocery or retail stores today don't do enough to serve and respect the customer?
10. Has anyone, including family members or close friends, ever had a significant problem or dispute with Kroger? Please describe it. Was it resolved to your/their satisfaction?
11. Has anyone, including family members or close friends, ever been involved in a lawsuit against Kroger? Was the lawsuit resolved to your satisfaction?
12. Has anyone ever worked with or for Kroger, or know anyone who has?

13. Have any of you been to this Kroger store in Douglasville? If yes, what impressions do you have of this store?
14. How many of you choose not to shop at Kroger for any reason? What is the reason?
15. How many of you have strong, negative feelings about Kroger? For example, who thinks there are too many slips or trips or accidents at Kroger?
16. How many of you have some criticism of Kroger as a grocery store or business?
17. How many of you just doesn't like Kroger, for whatever reason?
18. Who agrees with the statement that "if an injury occurs on someone's property, the owner of the property should have to pay the injured person?"
19. Who has negative views of large corporations?
20. Who has been involved, actively, in an advocacy group or social movement? If so, which group(s)? Currently or in the past? If in the past, why are you no longer involved?
21. Who has a bumper sticker with a statement or slogan on their vehicle? What does it say or show?
22. Is there anyone here who has any medical background, education, training, or expertise?
  - a) If yes, please describe.
23. Who has been seriously injured in an accident of any type (not just a slip and fall), or has a very close family member or friend who has been seriously injured in an

accident of any type?

a. If yes, please explain the situation and describe the injury.

b. Did the injury resolve?

24. Who suffers from a chronic or longstanding health condition that challenges them regularly if not daily such that it would make it difficult for you to serve or to be fair and impartial in this case? Family member or close friend?

25. Who has injured their neck or back in an accident where you had to have significant medical treatment or even surgery? Family member or close friend?

26. Who has had significant neck or back problems, not caused by any accident, but you had to get some significant medical care? Family member or close friend?

27. Who has been the primary caretaker for a close friend or relative suffering from a chronic illness or chronic pain, or has a close friend or family member who has been such a caretaker?

28. Have you experienced any losses in the past year, such as the loss of a job, the death of a loved one, foreclosure, etc.?

29. The judge will explain the law, in cases like these, the law you are to follow and apply to decide this case. Who would have difficulty, even a little, in following and applying the law if you disagreed with it?

30. The law in Georgia says that jury decision may not be based in any way on sympathy. During this trial, you may at times feel sympathy for Mr. Harvey,

and that's normal. However, the judge will instruct you that your decision is not to be based on sympathy. Who thinks they may have trouble, even a little, in keeping sympathy out of their legal, decision making process?

31. Who feels it would be hard to find against the plaintiff in this case, to send the plaintiff away with no money, even if the plaintiff fails to prove her case?

32. Who feels like they already are leaning in favor of the plaintiff Mr. Harvey to win this case?

33. Who is thinking perhaps – if I were the defendant in this case, I would not want me as a juror?

34. Who is thinking – there is something important for the judge or attorneys to know, but you weren't asked the right question? If so, what is it?

Respectfully submitted this 2nd day of December, 2022.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this day electronically filed the DEFENDANT'S VOIR DIRE QUESTIONS with the Clerk of Court using the CM/ECF system providing electronic service to other counsel as follows:

**Jeffrey P. Yashinsky, Esq.  
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The foregoing complies with the font and point selections approved by the Court in Local Rule 5.1. It is prepared in Times New Roman 14 point font.

Dated this 2nd day of December, 2022.

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